

# Uniform Commercial Code Revised Article 9 User's Guide



May 2004

# **Washington State**

## **Uniform Commercial Code, Revised Article 9**

### **USER'S GUIDE**

Revised May 2004

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**USER'S GUIDE**  
**Uniform Commercial Code – Article 9**

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## UCC OVERVIEW

The Uniform Commercial Code User's Guide provides summaries of the history, filing and search requirements, and some other helpful information related to the Uniform Commercial Code (UCC) of Washington State. Please refer to the Revised Code of Washington (62A.9A RCW) and the Washington Administrative Code (308-390 WAC) for detailed information regarding UCC filings.

The guide is divided into six sections for easy reading. The *UCC Overview* section explains the responsibility of the UCC office. Included is a list of significant Washington State UCC legislative events.

For detailed filing information please refer to the *General Provisions* and *Acceptance and Refusal of Records* sections. They include the required content of a filing, fees, and other useful tips to assist you in completing each form.

Refer to the *Information Management* section for information about online services.

For information on the UCC office procedures, consult section 4, *Filing and Data Entry Procedures*.

For details on how to request a search of the UCC records, please review section 5, *Search Requests and Reports*.

Section 6, *Other Notices of Liens*, describes the non-UCC liens that are also filed in this office.

## RESPONSIBILITY

The Department of Licensing is the state agency responsible for receiving and maintaining financing statements related to secured collateral filings. Filing records are located in the Uniform Commercial Code (UCC) section of the department. Authority for this responsibility is legislated under statutes related to:

- The Uniform Commercial Code, RCW 62A.9A
- Agricultural Liens, RCW 60.11
- Processor and Preparer Liens, RCW 60.13
- Federal Tax Liens, RCW 60.68
- Criminal Profiteering Liens, RCW 9A.82
- Department of Justice Lien, RCW 60.68

## **LEGISLATIVE HISTORY**

The Uniform Commercial Code has undergone several changes since its origin in our state. The transfer of filing and search responsibilities from the counties to the state was accomplished by 1990. A history of legislation impacting the code is summarized below:

### **1965**

The Washington State Uniform Commercial Code was enacted with an effective date of June 30, 1967.

### **1967**

The code became effective June 30th and was administered by the Secretary of State. On July 1, 1967, the State of Washington established a prefile period to create state UCC filing records.

### **1977**

Administration was transferred to the Department of Licensing. Program functions are now performed within the Business & Professions Division.

### **1981/1982**

Legislation revised filing requirements and increased fees.

On July 1, 1982, the location for filing Uniform Commercial Code security interests in collateral such as farm equipment and consumer goods was changed from the county auditor offices to the Washington State Department of Licensing.

A prefile period was established during June 1982 to allow the transfer of records from the counties to the state. 1982 prefiled records became effective as state filings on July 1, 1982.

### **1983**

On August 1, 1983, the location for filing processor and preparer liens for agricultural products was changed from the county auditor offices to the Washington State Department of Licensing.

### **1986**

Dairy product filings were added in 1986.

**1987**

On January 1, 1987, the location from the county auditor's office for filing crop liens made by landlords or suppliers was changed to the Washington State Department of Licensing.

Processor and preparer liens for commercial fish products were also added in 1987. Legislation placed the responsibility for establishing filing fees with the Department of Licensing.

The UCC Field Access program was launched.

**1988**

On July 1, 1988, the location for filing federal tax liens against the personal property of partnerships and corporations whose principal place of business is in Washington State was moved from the counties to the Department of Licensing.

**1990**

The UCC forms were revised and fees were increased effective January 1, 1990.

**1991**

Processor liens for milk and milk products were added, and legislation defined the term "crop handler."

**1992**

Federal tax lien laws were altered to include all personal property.

**1993**

On July 1, 1993, penalties for using non-standard forms or attaching additional pages were eliminated. There was also a fee increase for filings and searches. Legislation was passed that created dedicated funding, making the UCC program fee-supported.

**1999**

On April 1, 1999, fee increases for filings and searches were implemented.

**2000**

On March 31, 2000 Chapter 62A.9 RCW was repealed and Chapter 62A.9A RCW was adopted, effective July 1, 2001. Penalties for using non-standard forms or attaching additional pages were added. There was also a fee increase for filings and searches.

**2001**

Chapters 308-400 and 308-410 WAC were repealed. Chapter 308-390 WAC was adopted including establishing fees for electronic services and increasing fees for filings and searches for paper submittals. Implemented Revised Article 9.

**2001**

On October 1, 2001, a fully automated system to implement Revised Article 9 was deployed. The new Internet/SQL Server system also provided online filing and search services.

**2004**

Various amendments to Chapter 308-390 WAC were adopted on June 15, 2004. The National Additional Party addenda forms were approved for use and the guidelines on how to file a Processor or Preparer Lien were revised. The partial copy search was eliminated.

## COUNTY RESPONSIBILITIES

County Auditor Offices continue to be the proper location for filing or recording of a record of a mortgage on the related real property if:

- (A) The collateral is as-extracted collateral or timber to be cut; or
- (B) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures.

Contact the County Auditor's Office in the county of the property location for information regarding the correct forms and fees. Questions concerning the proper filing location may also be directed to an attorney.

## UCC-1X CONTINUATION STATEMENT

The UCC-1X *Continuation Statement* was the state filing form used to continue a county financing statement filed before July 1, 1982. The last UCC-1X filing date was June 30, 1987.

## FEDERAL FOOD SECURITY ACT OF 1985

Washington is **not** a central filing state as defined by the Federal Food Security Act of 1985. A lender must notify potential agricultural product buyers of the lender's secured interest.

## Section 1 – General Provisions

- 100 Policy statement. The administration of the UCC has an important impact on the economy and upon the rights of the public, in this state and in the United States. The volume of international, interstate and multi-state transactions pursuant to the UCC requires that the administration of the UCC be conducted in a manner that promotes both local and multi-jurisdictional commerce by striving for uniformity in policies and procedures among the various states.

As provided in RCW 62A9A-526 of the UCC, the interpretation and implementation of the filing office's duties and responsibilities shall be expressed in a written set of administrative rules, which the public shall have a voice in creating. Such rules have the following purposes:

To simplify and improve the administration of the UCC by promoting uniform UCC filing procedures in this state and in the nation;

To simplify the public's ability to discover and understand the UCC filing procedures of the various states by establishing a uniform framework for describing the procedures;

To increase public access to information;

To increase public participation in the formulation of administrative policy and procedures; and

To increase public accountability of the filing officer.

- 101 Definitions. The following terms shall have the respective meanings provided in this document. Terms not defined in this document which are defined in law shall have the respective meanings accorded such terms in RCW 62A.9A.
- 101.1 "ACH account" is a method of payment via electronic funds transfer under National Automated Clearing House Association rules and agreement with the Department of Licensing.
- 101.2 "Active record" means a UCC record that has not reached the one-year anniversary of its lapse date.
- 101.3 "Address" means a name or other identifying information, either a street address, route number (may include box) or a P.O. Box number plus the city and state or country.
- 101.4 "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.
- 101.5 "Assignment" is an amendment that reflects an assignment of all or a part of a secured party's power to authorize an amendment to a financing statement.
- 101.6 "Continuation" means an amendment that continues the effectiveness of a financing statement.
- 101.7 "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.
- 101.8 "File number" means the unique identifying information assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC records relating to the financing statement in the filing officer's information management system. For a financing statement with an initial financing statement filed on or prior to June 30, 2001, the file number includes the *date* of filing and the 4-digit number assigned to the financing statement by the filing officer. For a financing statement filed on or after July 1, 2001, the file number includes three segments: the year of filing expressed as a four-digit number, followed by a unique seven-digit number assigned to the financing statement by the filing office and ending with a one-digit verification number assigned by the filing office but mathematically derived from the numbers in the first two segments. The filing number bears no relation to the time of filing and is not an indicator of priority.

- 101.9 "Filing office" and "filing officer" mean the director of the Department of Licensing or any person commissioned by him/her to act on his/her behalf in a Uniform Commercial Code filing or search procedure.
- 101.10 "Financing statement" means a record or records composed of an initial financing statement and any filed record(s) relating to the initial financing statement.
- 101.11 "Image" means the image of a financing statement, or portion of a financing statement, as stored in the UCC Information Management System.
- 101.12 "Inactive record" means a UCC record that has reached the first anniversary of its lapse date.
- 101.13 "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.
- 101.14 "Initial financing statement" means a UCC record that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by RCW 62A.9A-512, 9A-514 or 9A-518.
- 101.15 "Online services" means the interactive internet application for filing and search functions.
- 101.16 "Organization" means a legal person who is not an individual under part 101.13.
- 101.17 "Organizational number" means the identifying number issued to an entity upon the formation of that entity by the filing office in the jurisdiction of formation. In Washington State it is usually the Unified Business Identifier (UBI) number.
- 101.18 "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.



- 101.19 "Secured party of record" means, with respect to a financing statement, a person whose name is provided as the name of a secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under RCW 62A.9A-514(a), the assignee named in the initial financing statement is the secured party of record with respect to the financing statement. If an amendment of a financing statement that provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under RCW 62A.9A-514(b), the assignee named in the amendment is a secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement that deletes the person.
- 101.20 "Termination" means an amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination.
- 101.21 "Transmitting Utility" A transmitting utility is any enterprise primarily engaged in the railroad, street railway, or trolley bus business; the electric or electronics communications transmission business; the transmission of goods by pipeline; the transmission or production and transmission of electricity, steam, gas, or water; or the provision of sewer service.
- 101.22 "UCC" means the Uniform Commercial Code as adopted in this state and in effect from time to time.
- 101.23 "UCC record " means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement. The word "record" in the term "UCC record" shall not be deemed to refer exclusively to paper or paper-based writings; it being understood that UCC records may be expressed or transmitted electronically or through media other than such writings.
- 101.24 "UCC website" means the series of related internet web pages provided for on-line filings and search functions.
- 102 Singular and plural forms. Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires.

- 103 Place to file. The filing office is the office for filing UCC records relating to all types of collateral except for timber to be cut, as-extracted collateral (RCW62A.9A-102(a)(6)) and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. Regardless of the nature of the collateral, the filing office is the office for filing all UCC records where the debtor is a transmitting utility.
- 104 Filing office identification. In addition to this record, the filing office will disseminate information of its location, mailing address, telephone and fax numbers, and its Internet and other electronic "addresses" through usual and customary means.
- 104.1 Online service. The filing officer offers online filing and search services at [www.dol.wa.gov/unfc/uccfront.htm](http://www.dol.wa.gov/unfc/uccfront.htm).
- 104.2 Electronic Mail. E-mail cannot be used for filing UCC records or for requesting searches of the records of financing statements.
- 105 Office hours. Although the filing office maintains regular office hours, it receives transmissions electronically 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service. Electronic communications may be retrieved and processed periodically (but no less often than once each day the filing office is open for business) on a batch basis.

106 UCC record delivery. UCC records may be tendered for filing at the filing office as follows.

106.1 Personal delivery, at the filing office's street address between the hours of 8:30 am and 4:30 pm, Monday through Friday, except state holidays. The file time for a UCC record delivered by this method is when delivery of the UCC record is accepted by the filing office, even though the UCC record may not yet have been accepted for filing and subsequently may be rejected.

106.2 Express mail delivery, at the filing office's street address. The file time for a UCC record delivered by this method is 5:00 P.M. on the day of delivery by a filing officer for processing (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). A UCC record delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 P.M. on the next day the filing office is open for business.

106.3 Postal service delivery, . to the filing office's mailing address The file time for a UCC record delivered by this method is 5:00 P.M. on the day of delivery by a filing officer for processing (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). A UCC record delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 P.M. on the next day the filing office is open for business.

106.4 Electronic mail and facsimile delivery, . to the filing office's e-mail address or the filing office's fax filing telephone number will not be accepted

106.5 Online filing. UCC records may be transmitted electronically using the XML standard approved by the International Association of Commercial Administrators as described in part 340. UCC records may also be transmitted electronically through online entry as described in part 370. The file time for a UCC record delivered by this method is the time that the filing office's system analyzes the relevant transmission, determines that all the required elements of the transmission have been received in a required format, and acknowledges acceptance to that system.

- 107 Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC records may be delivered to the filing office. Requirements concerning search requests are set forth in part 501. UCC search requests upon a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the form is accepted and the relevant search fee is also tendered with the initial financing statement.
- 108 Approved forms. Only the forms prescribed by RCW 62A.9A-521 and available on the Department of Licensing UCC web site will be acceptable by the filing office. Other forms will not be accepted by the filing office.
- 108.1 Statutory forms. The forms set forth in RCW 62A.9A-521 will be acceptable for filing.
- 108.2 Online filing – single. . A UCC record transmitted electronically pursuant to online data entry procedures set forth in part 370 will be acceptable.
- 108.3 Online filings - batch. . UCC records transmitted electronically pursuant to the International Association of Commercial Administrators' XML standard and the procedures set forth in part 340 will be acceptable.
- 109 Form -- UCC search. The form that is provided on the *Department of Licensing UCC web site*, or that is transmitted electronically in accordance with parts 340 or 370 will be acceptable. Other forms will not be accepted by the filing office.
- 110 Forms suppliers. The filing office does not maintain lists of forms suppliers.
- 111 Fees.
- 111.1 Filing fee. The fee for filing and indexing a UCC record of one or two pages communicated on paper or in a paper-based format is \$13.28. If there are additional pages, the fee is \$1.00 for each additional page. There is no extra page fee for the first addendum form. But the fee for filing and indexing a UCC record communicated by a medium authorized by these parts which is other than on paper or in a paper-based format shall be \$10.00.

- 111.2 UCC search fee. The fee for a UCC search request communicated on paper shall be \$18.80 per debtor name. But the fee for conducting a UCC search request online and receiving the results online shall be \$15.00.
- 111.3 UCC search – hold to reflect filing.. The fee for a UCC search request to reflect the associated filing of a financing statement, shall be \$18.80 per debtor name whether communicated online or on paper.
- 111.4 UCC search -- copies. The fee for a UCC search with copies is \$26.57, whether the request is communicated online or on paper.
- 112 Expedited services. Expedited services are not provided.
- 113 Methods of payment. Filing fees and fees for public records services may be paid by the following methods.
- 113.1 Cash. The filing officer discourages cash payment unless made in person to the cashier at the filing office.
- 113.2 Checks. Personal checks, cashier's checks and money orders made payable to the Department of Licensing, including checks in an amount to be filled in by a filing officer but not to exceed a particular amount, will be accepted for payment if they are drawn on a bank acceptable to the filing office
- 113.3 Electronic funds transfer. The filing office will accept payment via electronic funds transfer under Automated Clearing House ("ACH") rules from remitters who have entered into appropriate ACH-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.
- 113.4 Prepaid account. Prepaid or deposit accounts are not an available option.
- 113.5 Credit card. The filing office accepts payments using credit cards issued by VISA and MasterCard. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the approved card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed to the filing office that payment will be forthcoming. This method of payment may be used for online services only.

- 114 Overpayment and underpayment policies.
- 114.1 Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$10.00 to the remitter. The filing officer shall refund an overpayment of \$9.99 or less only upon the written request of the remitter.
- 114.2 Underpayment. Upon receipt of a record with an insufficient fee, A copy of the record shall be returned to the remitter as provided in part 205. A refund shall be delivered under separate cover.
- 114.3 Refunds. All refunds shall be made in the form of a warrant issued by the State Treasurer's Office. Warrants must be redeemed within 180 days from date of issue.
- 115 Bulk Records. Bulk records services are provided on a non-discriminatory basis to any member of the public on the terms described in these parts.
- 115.1 Bulk copies. of UCC documents are available in microfilm reels of records filed prior to 10/01/2001.
- 115.2 Data from the information management system. A list of available data elements from the UCC information management system, and the file layout of the data elements, is available from the filing officer upon request. Data from the information management system is available as follows.
- 115.2.1 Full extract. A bulk data extract of information from the UCC information management system is available on a weekly basis.
- 115.2.2 Update extracts. Updates of information from the UCC information management system are available on a weekly basis.
- 115.2.3 Charges. .Charges shall be determined by written agreement between the department and the purchaser.
- 116 New practices and technologies. The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 filing data by means of electronic, voice, optical and/or other technologies, and, without limiting the foregoing, to maintain and operate, in addition to or in lieu of a

paper-based system, a non-paper-based Article 9 filing system utilizing any of such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with, and whenever possible be uniform with, technologies, practices, policies and regulations adopted in connection with Article 9 filing systems in other states.

## **Section 2 – Acceptance and Refusal of Records**

200 Policy statement. The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to these parts, the filing officer does none of the following:

200.1 Determine the legal sufficiency or insufficiency of a record.

200.2 Determine that a security interest in collateral exists or does not exist.

200.3 Determine that information in the record is correct or incorrect, in whole or in part.

200.4 Create a presumption that information in the record is correct or incorrect, in whole or in part.

201 Duty to file. Provided that there is no ground to refuse acceptance of the record under part 202, a UCC record is filed upon its acceptance by the filing office with the filing fee and the filing office shall assign a file number to the UCC record and index it in the information management system.

202 Grounds for refusal of UCC record. The following grounds are the sole grounds for the filing officer's refusal to accept a UCC record for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper; a machine-readable transmission for both paper and electronic transmissions is required.

202.1 Debtor name and address. An initial financing statement or an amendment that adds a debtor shall be refused if the record fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement, or for the debtor to be added in the case of such an amendment. If the record contains more than one debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings, and provide a

notice to the remitter containing the file number of the record, identification of the debtor name(s) that was (were) indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.

- 202.2 Additional debtor identification. An initial financing statement or an amendment adding one or more debtors shall be refused if the record fails to identify whether each named debtor (or each added debtor in the case of such an amendment) is an individual or an organization, if the last name of each individual debtor is not identified, or if, for each debtor identified as an organization, the record does not include in legible form the organization's type, state of organization and organization number (if it has one) or a statement that it does not have one.
- 202.3 Secured party name and address. An initial financing statement, an amendment adding a secured party of record, or an assignment, shall be refused if the record fails to include a legible secured party (or assignee in the case of an assignment) name and address. If the record contains more than one secured party (or assignee) name or address and some names or addresses are missing or illegible, the filing officer shall apply the grounds for refusal to each secured party separately.
- 202.4 Lack of identification of initial financing statement. A UCC record other than an initial financing statement shall be refused if the record does not provide a file number of a financing statement in the UCC information management system that has not lapsed.
- 202.5 Identifying information. A UCC record that does not identify itself as an amendment or identify an initial financing statement to which it relates, is an initial financing statement.
- 202.6 Timeliness of continuation. A continuation shall be refused if it is not received during the six month period concluding on the day upon which the related financing statement would lapse.
- 202.6.1 First day permitted. The first day on which a continuation may be filed is the date of the month corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date during the sixth month preceding the month in which the financing statement would lapse, the first day on which a continuation may be filed is the last day of the sixth



month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on such date if the filing office is not open on such date.

202.6.2 Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses.

202.7 Fee. A record shall be refused if the record is accompanied by less than the full filing fee tendered by a method described in part 113.

202.8 Means of communication. UCC records communicated to the filing office by a means of communication not authorized by the filing officer for the communication of UCC records shall be refused.

202.9 XML refusal. UCC records communicated by XML may be refused as provided in part 347 for reasons not applicable to other communications methods.

202.10 Forms. . Only the National UCC-1 and UCC-3 forms as described in RCW62.A9A-521 will be accepted. The only forms accepted for requesting a search or filing a debtor correction statement are provided on the UCC web site. All forms must be machine-printed and readable by the UCC Information Management System.

202.11 Multiple names. . To file multiple debtor and secured party names on a paper submittal, a filer must provide the additional names in designated boxes on approved addenda forms only. The approved addenda forms are the national UCC1Ad, UCC1Ap, and UCC3Ap. Names appearing in incorrect boxes or on attachments or on addenda in excess of that stated in 202.12 will be accepted but not added to the index.

202.11.1 Addenda form limits. . The number and type of paper submittal addenda forms that may be filed and names added to the index is limited to the following combinations:

- a) UCC1 plus one addendum (UCC1Ad) form and/or one or two additional party (UCC1Ap) forms (permits a maximum of nine debtor and six secured party names to be indexed.)
- b) UCC3 plus one or two additional party (UCC3Ap) forms (permits a maximum of seven debtor and five secured party names to be indexed.)

202.11.2 Electronic filing. . To file and index more names than provided on the allowable number of paper submittal addenda pages, a filer may file online. Electronic filing permits an unlimited number of names to be filed and indexed.

203 Grounds not warranting refusal. The sole grounds for the filing officer's refusal to accept a UCC record for filing are enumerated in part 202. The following are examples of defects that do not constitute grounds for refusal to accept a record. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC record for filing.

203.1 Errors. The UCC record contains or appears to contain a misspelling or other apparently erroneous information.

203.2 Incorrect names.

203.2.1 The UCC record appears to identify a debtor incorrectly.

203.2.2 The UCC record appears to identify a secured party or a secured party of record incorrectly.

203.3 Extraneous information. The UCC record contains additional or extraneous information of any kind, provided the record is decipherable.

203.4 Insufficient information. The UCC record contains less than the information required by Article 9 of the UCC, provided that the record contains the information required in part 202.1 through 202.5.

203.5 Collateral description. The UCC record incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.

203.6 Excessive fee. The record is accompanied by funds in excess of the full filing fee.

204 Time limit. The filing officer shall determine whether criteria exist to refuse acceptance of a UCC record for filing not later than the second business day after the date the record would have been filed had it been accepted for filing and shall index a UCC record not so refused within the same time period.

- 205 Procedure upon refusal. If the filing officer finds ground under part 202 to refuse acceptance of a UCC record, the filing officer shall return a copy of the record to the remitter, and will refund the filing fee. The filing office shall send a notice that contains the date and time the record would have been filed had it been accepted for filing, and a brief description of the reason for refusal to accept the record under part 202. The notice shall be sent to a filer or the remitter as provided in part 401.3.2 no later than the second business day after the filing office receives the record. The refund will be delivered under separate cover to the remitter.
- 206 Acknowledgment. At the request of a filer or remitter who files a paper or paper-based UCC record, the filing officer shall send to said filer or remitter an image of the record of the UCC record showing the file number assigned to it and the date and time of filing. For UCC records not filed in paper or paper-based form the filing officer shall communicate to the filer or remitter the information in the filed record, the file number and the date and time of filing.
- 206.1 The acknowledgment will show the financing statement as it was indexed. The filer shall be responsible for verifying that the information was recorded accurately. If an input error is detected, the filer must notify the filing office and the record will be corrected as provided in part 405. If no objection to the Department of Licensing record is communicated by the filer, the record will be deemed identical to the filing submitted.
- 207 Other Notices. Nothing in these parts prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC record, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. **THE RESPONSIBILITY FOR THE LEGAL EFFECTIVENESS OF FILING RESTS WITH FILERS AND REMITTERS AND THE FILING OFFICE BEARS NO RESPONSIBILITY FOR SUCH EFFECTIVENESS.**
- 208 Refusal errors.. If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer shall file the UCC record with the filing date and time of the UCC record was originally tendered for filing. The filing officer shall also file a statement noting when and why the record was changed.

## Section 3 – UCC Information Management System

- 300 Policy statement. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on active financing statements. The parts in this section describe the UCC information management system.
- 301 Primary data elements. The primary data elements used in the UCC information management system are the following:
- 301.1 Identification numbers.
- 301.1.1 Each initial financing statement is identified by its file number as described in part 101.8. Identification of the initial financing statement is permanently associated with the record maintained for UCC records in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.
- 301.1.2 A UCC record other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC records other than initial financing statements are linked to the record of its related initial financing statement.
- 301.2 Type of record. The type of UCC record from which data is transferred is identified in the information management system from information supplied by the remitter.
- 301.3 Filing date and filing time. The filing date and filing time of UCC records are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

- 301.4 Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC records to the UCC information management system using one or more data entry or transmittal techniques.
- 301.5 Status of financing statement. In the information management system, each financing statement has a status of lapsed or unlapsed.
- 301.6 Page count. The total number of pages in a UCC record is maintained in the information management system.
- 301.7 Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in part 404.
- 302 Names of debtors who are individuals. For the purpose of this part, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This part applies to the name of a debtor or a secured party on a UCC record who is an individual.
- 302.1 Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., Cher) in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.
- 302.2 Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be provided by filers in UCC records. However, as provided in part 407, when a UCC record is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.
- 302.3 Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" are not part of an individual's name and should not be provided by filers in UCC records. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are appropriate. In either case, as provided in part 407, they will be entered into the information management system exactly as received.

302.4 Truncation - individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows:

302.4.1 First name: 254 characters.

302.4.2 Middle name: 254 characters.

302.4.3 Last name: 254 characters.

302.4.4 Suffix: 10 characters.

303 Names of debtors that are organizations. This part applies to the name of an organization that is a debtor or a secured party on a UCC record.

303.1 Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

303.2 Truncation -organization names. The organization name field in the UCC database is fixed in length. The maximum length is 300 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

304 Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under part 302.

305 Trusts. If the trust is named in its organic record(s), its full legal name, as set forth in such record(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC record that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under part 407.

306 Initial financing statement. Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows.

306.1 Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

306.2 Status of debtor. The status of a debtor named on the record shall be active and shall continue as active until one year after the financing statement lapses.

306.3 Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

307 Amendment. Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows.

307.1 Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(s) as follows:

307.1.1 Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

- 307.1.2 Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC records that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC records. Such a statement of amendment affects only the rights of its authorizing secured party(s).
- 307.1.3 Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.
- 307.1.4 Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(s) authorizing the statement of amendment.
- 307.1.5 Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.
- 307.1.6 Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.
- 307.1.7 Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.
- 307.2 Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.



- 308 Assignment of powers of secured party of record.
- 308.1 Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.
- 308.2 Status of financing statement. An assignment shall have no effect upon the status of the financing statement.
- 309 Continuation.
- 309.1 Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(s) of record, the lapse date of the financing statement shall be postponed for five years
- 309.2 Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.
- 309.3 Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.
- 310 Termination.
- 310.1 Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.
- 310.2 Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.
- 311 Correction statement.
- 311.1 Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.
- 311.2 Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

- 312 Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement inactive and the financing statement will no longer be made available to a searcher.

### **XML Records**

- 340 Definitions. For the purpose of parts relating to the electronic transmission of UCC records, the following terms shall have the meaning provided in this part.

340.1 "XML" means Extensible Markup Language for programming .

340.2 "XML record" means a UCC record transmitted from a remitter to the filing officer by XML techniques authorized under this part.

- 341 XML authorized. A remitter may be authorized for XML transmission upon the written authorization of the filing officer. The filing officer shall authorize a remitter to engage in XML transmissions if (a) the remitter holds an account for ACH debit of fees by the filing officer, (b) the remitter has entered into a trading partner agreement, in form and substance satisfactory to the filing officer, with the filing office, and (c) the filing officer determines, after appropriate testing of transmissions in accordance with the filing officer's specifications, that the remitter is capable of transmitting XML records in a manner that permits the filing officer to receive, index, and retrieve the XML records. The filing officer may suspend or revoke the authorization when, in the filing officer's sole discretion, it is determined that a remitter's transmissions are incompatible with the filing officer's XML system. A request to be authorized to transmit XML records shall be in writing and delivered to the filing officer. Upon receipt of a request for authorization, the filing officer shall provide the remitter with necessary information on the requirements for XML transmission, including format, address for transmission, and other necessary specifications.

- 342 IACA standard adopted. The XML Format, as adopted by the International Association of Commercial Administrators and in effect from time to time, is adopted in this state as a format for electronic transmission of UCC records, although the filing officer shall, periodically and at the request of an authorized XML remitter, identify which versions and releases of the XML Format are then in use by and acceptable to the filing office.

- 343 Implementation Guide. The filing office publishes an implementation guide that prescribes in further detail the use of the XML Format in the UCC filing system. The guide is available upon request made in writing to the filing office at its mailing address set forth above.
- 343.1 The guide identifies the version(s) or release(s) of the XML Format currently in use by the filing office.
- 343.2 The guide identifies the types of UCC records and related responses that can currently be transmitted through XML.
- 343.3 The guide prescribes the manner of transmission of all information contained in a UCC record and any other information required for the filing office to fulfill its responsibilities under the UCC and these parts, including identification of UCC records, information necessary to collect fees, identification of debtors and secured parties, description of collateral and the authentication of UCC records.
- 343.4 The guide may be amended from time to time. Notice of amendments will be provided to each remitter authorized to transmit XML records to the filing office not less than thirty (30) days prior to the effectiveness of the relevant amendment(s).
- 344 Record types. An XML record shall be identified as to type by the transmission of the appropriate identifier required in the implementation guide referred to in part 343. The filing officer, in responding to a request for a paper copy of an XML record, shall print the data included in the XML record requested on the relevant form set forth in RCW 62A.9A-521 for such XML record.
- 345 Refusal of XML record. A record transmitted to the filing officer that is not machine-readable, has been refused under part 202, or does not contain the information required by the implementation guide referred to in part 343 in an acceptable format shall be refused. The filing officer shall provide regularly scheduled (not less frequently than daily) electronic notices to the relevant remitter containing identification of XML records refused and appropriate error codes or explanations for the refusal as provided in part 205 when possible. However, records that cannot be read because they are garbled or are in improperly structured data packets, or which are received from persons not authorized for XML by the filing office will not receive a refusal response. Readable transmissions from authorized transmitters will generate electronic confirmation of acceptance or rejection.

- 346 Acceptance and archives. An XML record is not accepted for filing at the time it is received by the filing office. It is accepted only after it is analyzed by the filing office's XML system and it is determined that the XML record is machine-readable and all required elements of the transmission have been received in an approved format. Upon acceptance of an XML record for filing, a report shall automatically be generated which shall contain all of the information related to the record including all information transmitted by the remitter for inclusion in the record as prescribed by the implementation guide referred to in part 343. The information contained in the report shall promptly be rendered and stored in a record. The filing officer shall provide regularly scheduled (not less frequently than daily) electronic notices to remitters of accepted XML records to confirm such acceptance and the creation of such record.
- 347 XML UCC search requests are not permitted at this time.
- 348 One-debtor limitation. At the present time, an XML record may not name more than one debtor. An XML record that purports to name more than one debtor on a single name field will be treated as having named a single debtor with the name as set forth in the relevant field. Multi-debtor UCC records may be filed only by using other methods of communication with the filing office.

### **Direct Online (Non-XML) Data Entry Procedures**

- 370 Definitions.

"ACH account" is a method of payment via electronic funds transfer under National Automated Clearing House Association rules and agreement with the Department of Licensing.

"Image" means the image of a financing statement, or portion of a financing statement, as stored in the UCC information management system.

"Online services" means the interactive Internet application for filing and search functions.

"UCC website" means the series of related Internet web pages provided for online filing and search functions.

371 Record filing procedures.

371.1 Direct online filing and search services are available to any person with Internet access to the UCC website. Online services require payment by credit card or an ACH account number as provided in part 113.

371.2 Record filing procedures. Initial financing statements and amendments may be filed via the UCC website that allows entry of the information permitted on the national forms. A record which is created by the filer in this manner is subject to all of the provisions of law as if it were a paper record submitted to the filing office, except that attachments may not be submitted. Instructions on how to file are provided on the website.

372 Search request procedures. A certified search naming a particular debtor may be obtained via the UCC website. A request that is created by the filer in this manner is subject to all of the provisions of law as if it were a paper search request submitted to the filing office. Copies of individual financing statements may be ordered online, but will not be displayed online. Those copies will be deposited in the U.S. Postal Service within two business days following receipt of the request. Instructions on how to request a certified search are provided on the website.

**Section 4 – Filing and Data Entry Procedures**

400 Policy statement. This section describes the filing procedures of the filing officer upon and after receipt of a UCC record. It is the policy of the filing officer to promptly file a record that conforms to this section. Except as provided in this section, data are transferred from a UCC record to the information management system exactly as the data are set forth in the record. Personnel who create reports in response to search requests enter search criteria exactly as set forth on the search request. No effort is made to detect or correct errors of any kind.

401 Record indexing and other procedures.

401.1 Date and time. The date and time of receipt are permanently associated with the record maintained for a UCC record in the UCC information management system at the earliest possible time.

401.2 Cash management. Transactions necessary to payment of the filing fee are performed. Prepayment of all transactions is required. Payment options include: check, cash, ACH account number, and credit card (available only through the Web application). To pay using an ACH

account, the remitter must sign an agreement authorizing the Department of Licensing to electronically transfer funds from a specified bank account.

401.3 Record review. The filing office determines whether a ground exists to refuse the record under part 202.

401.3.1 File number. If there is no ground for refusal of the record, the record is deemed filed and a unique identification number and the filing date are permanently associated with the record of the record maintained in the UCC information management system. The sequence of the identification number is not an indication of the order in which the record was received.

401.3.2 Correspondence. If there is a ground for refusal of the record, notification of refusal to accept the record is prepared as provided in part 205. If there is no ground for refusal of the record, an acknowledgment of filing is prepared as provided in part 206. If the UCC record was tendered in person, notice of refusal or acknowledgment of the filing is mailed to the remitter. If the UCC record was tendered by XML transmission or online access, such notice or acknowledgment is transmitted to the remitter by XML transmission or online response by transmitting an identification known to the remitter of the UCC record filed as well as the information required by part 205 or part 206. Acknowledgment of filing or notice of refusal of a UCC record tendered by means other than personal delivery, XML transmission or online transmission is sent to the remitter named on the UCC record by regular mail.

401.4 Data entry. Data entry and indexing functions are performed as described in this section. All written records submitted to the filing officer will be scanned and, if machine readable, the information will be entered to the database. The data is then verified and corrected if necessary. All data that are not machine readable will be refused.

402 Filing date. The filing date of a UCC record is determined in part 106.

403 Filing time. The filing time of a UCC record is determined in part 106.

- 404 Lapse date and time. A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public-finance transaction or a manufactured-home transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.
- 405 Errors of the filing officer. The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of a corrected record, the filing officer shall proceed as follows. A record relating to the relevant initial financing statement will be placed in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.
- 406 Errors other than filing office errors. An error by a filer is the responsibility of such filer. It can be corrected by filing an amendment or it can be disclosed by filing a Debtor Correction Statement.
- 407 Data entry of names - designated fields. A filing should designate whether a name is a name of an individual or an organization and, if an individual, also designates the first, middle and last names and any suffix. When this is done, the following parts shall apply.
- 407.1 Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC record, even if it appears that multiple names are set forth in the record or if it appears that the name of an individual has been included in the field designated for an organization name.
- 407.2 Individual names. On a form that designates separate fields for first, middle, and last names and any suffix, the filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.

- 407.3 Designated fields encouraged. The filing office requires the use of forms that designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. Such forms diminish the possibility of filing office error and help assure that filer's expectations are met. Filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective. All records submitted online or through XML will be required to use designated name fields.
- 408 Data entry of names - no designated fields. A UCC record that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization shall be refused by the filing office.
- 409 Verification of data entry. The filing officer uses the following procedures to verify the accuracy of data entry tasks.
- 409.1 Double blind entry is conducted on data that are added to the index: debtor names, city, secured party names, amendment type, initial financing statement file number. Other non-required data are not verified.
- 409.2 Fields used for descriptions of collateral, real estate, miscellaneous, and other non-required fields are not captured in the database, but are retained in image format only.
- 410 Initial financing statement. A new record is opened in the UCC information management system for each initial financing statement that bears the file number of the financing statement and the date and time of filing.
- 410.1 The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each such debtor name is included in the searchable index and is not removed until one year after the financing statement lapses. Debtor addresses are included in the searchable index in order to perform searches limited by city as provided in part 502.
- 410.2 The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.
- 410.3 The record is indexed according to the name of the debtor(s) and is maintained for public inspection.



- 410.4 A lapse date is established for the financing statement, unless the initial financing statement indicates it is filed against a transmitting utility, and the lapse date is maintained as part of the record.
- 411 Amendment. A record is created for the amendment that bears the file number for the amendment and the date and time of filing.
- 411.1 The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.
- 411.2 The name and address of each additional debtor and secured party are entered into the UCC information management system in the record of the financing statement. Each such additional debtor name is added to the searchable index and is not removed until one year after the financing statement lapses. .
- 411.3 If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.
- 412 Debtor Correction statement. A record is created for the debtor correction statement that bears the file number for the correction statement and the date and time of filing. The record of the correction statement is associated with the record of the related initial financing statement in a manner that causes the correction statement to be retrievable each time a record of the financing statement is retrieved.
- 413 Global filings. Global filings are not permitted.
- 414 Archives - general. All records are maintained on the UCC information management system for one year past lapse date. After that they may be purged from the system and are not retrievable.
- 414.1 Paper UCC records.
- 414.1.1 Storage. Paper records are destroyed after they have been scanned for images and a record is created in the UCC system.
- 414.2 Reductions.
- 414.2.1 Storage. Paper records are scanned for further processing through data entry. The system analyzes the transmission and determines that all required elements have been

received in a required format and creates a record of all information provided in the financing statement. Images of forms, attachments, and addenda pages are retained until one year from the record's date of lapse.

- 414.2.2 Retention. Permanent records are retained until one year from the date of lapse

#### 414.3 Databases.

- 414.3.1 Nightly incremental backups will be made using magnetic tape.

- 414.3.2 Weekly full backups will be made using magnetic tape.

- 415 Archives - data retention. Data in the UCC information management system relating to financing statements that have lapsed are retained for one year from the date of lapse.
- 416 Archival Searches. Lapsed filings will be retrievable upon request for one year from the date of lapse.
- 417 Notice of bankruptcy. The filing officer takes no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Accordingly, financing statements will lapse as scheduled unless properly continued.

### **Section 5 -- Search Requests and Reports**

- 500 General requirements. The filing officer maintains for public inspection a searchable index of all UCC records that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates with one another each initial financing statement and each filed UCC record relating to the initial financing statement.
- 501 Search requests. Search requests shall contain the following information.
- 501.1 Name searched. A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization. The full name of an individual shall consist of a first name, a middle name or initial, and a last name, although a search request may be submitted with no middle name or initial and, if only a single name is presented (e.g., Cher) it will

be treated as a last name. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic records in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.

501.2 Requesting party. The name and address of the person to whom the search report is to be sent.

501.3 Fee. The appropriate fee shall be enclosed, payable by a method described in part 113.

501.4 Search request with filing. If a filer requests a search at the time a UCC record is filed, by checking the box on the form set forth in RCW 62A.9A-521 or otherwise, the name to be searched will be the debtor name as set forth on the form, the requesting party will be the remitter of the UCC record, and the search request will be deemed to request a search that would be effective to retrieve all financing statements filed on or prior to the date the UCC record is filed.

502 Optional information. A UCC search request may contain any of the following information.

502.1 A request that copies of records referred to in the report be included with the report. . The request may limit the copies requested by limiting them by reference to the city of the debtor on the financing statements located by the related search. The request may ask for all copies of UCC records identified on the primary search response.

502.2 A request that the search of a debtor name be limited to debtors in a particular city. .A report created by the filing officer in response to such a request shall contain the following statement:

"A search limited to a particular city may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

502.3 Instructions on the mode of delivery requested, if other than by ordinary mail, request will be honored if mode is available by the filing office. .

503 Rules applied to search requests. Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search. The following, and only the following rules are applied to conduct searches.

503.1 There is no limit to the number of matches that may be returned in response to the search criteria.

503.2 No distinction is made between upper and lower case letters.

503.3 Punctuation marks and accents are disregarded.

503.4 Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the *Washington State Ending Noise Words* list as promulgated and adopted by the International Association of Commercial Administrators and Washington State as from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).

503.5 The word "the" at the beginning of the search criteria is disregarded.

503.6 All spaces are disregarded.

503.7 For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

503.8 After taking the preceding rules into account to modify the name of the debtor requested to be searched and to modify the names of debtors contained in active financing statements in the UCC information management system, the search will reveal only names of debtors that are contained in active financing statements and, as modified, exactly match the name requested, as modified.

- 504 Search responses. Reports created in response to a search request shall include the following:
- 504.1 Filing officer. Identification of the filing officer and certification.
  - 504.2 Report date. The date the report was generated.
  - 504.3 Name searched. Identification of the name searched.
  - 504.4 Certification date. The certification date applicable to the report; i.e., the date and time through which the search is effective to reveal all relevant UCC records filed on or prior to that date.
  - 504.5 Identification of initial financing statements. Identification of each active financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.
  - 504.6 History of financing statement. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the certification date.
  - 504.7 Copies. Copies of all UCC records revealed by the search and requested by the searcher.

## **Section 6 – Other Notices of Liens**

- 600 Policy statement. The purpose of this section is to describe records of liens maintained by the filing office created pursuant to statutes other than the UCC that are treated by the filing officer in a manner substantially similar to UCC records and are included on request with the reports described in parts 504 and 505.
- 601 Notice of federal tax lien, RCW 60.68.045
- 601.1 Duration: Ten years plus 30 days.
- 602 Notice of state tax lien. Not applicable in Washington State.
- 603 Notice of other lien in favor of a governmental body.

603.1 Notice #1. Criminal Profiteering Lien, RCW 9A.82.120-140

603.2 Notice #2. Department of Justice Lien, RCW 60.68.015

604 Agricultural liens, RCW 60.11

604.1 Mechanics of filing. Agricultural liens are filed in the same manner as an initial financing statement and may use all forms and formats of communication permitted to be used in connection with initial financing statements. Each communication of a record of an agricultural lien must identify itself as such. They are indexed by debtor name and will be revealed by searches under parts 504 and 505.

604.1.1 Where to file. Agricultural liens are filed with the filing office.

604.1.2 Fee. As provided in part 111.

604.1.3 Duration. Five years unless continued.

604.2 Mechanics of search.

604.2.1 Fee for search. As provided in part 111.

604.2.2 Search available with UCC search. .

605 Processor Lien or Preparer Lien, RCW 60.13.040

605.1 Mechanics of Filing. A producer or commercial fisherman may authenticate a record evidencing a preparer or processor lien using the same filing forms and procedures outlined in this document for filing a financing statement, and by adding the following statutory requirements prescribed in RCW 60.13.040:

- (a) Designate the statement as a processor lien or preparer lien by marking "Non-UCCFiling" (not AG-lien) in box 5 and by stating which type of lien is claimed in box 8.
- (b) State the true amount or a reasonable estimate of the debt demanded after deducting all credits and offsets and the date on which payment was due for the agricultural product or fish to be charged with the lien in box 10 of the Addendum.
- (c) State the name and address of the processor(s), conditioner(s) or preparer(s) who received the agricultural product or fish to be charged with the lien in boxes 1, 2, and 11 as needed.
- (d) State the name and address of the lien holder in box 3.
- (e) Add a description sufficient to identify the agricultural product or fish to be charged with the lien in box 4.

- (f) Include the statement that the account claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien, and the statement that the act of filing this notice constitutes the present intention of the producer or commercial fisherman that the statements there are true and adopted by the producer or commercial fisherman as their own in box 10 of the Addendum. If you cannot include all of the information required to be included in box 10, use the additional space provided in box 16 of the Addendum with a cross-reference that it is a continuation of the information to be added to box 10.

605.1.1 Authentication. The authorized filing of the financing statement on the approved forms, containing the additional information, and in the manner that complies with the requirements of this section is deemed to be an authenticated record by the producer or commercial fisherman as required by RCW 60.13.040(2).

605.1.2 Where to file. File in the Department of Licensing as provided in Section one.

605.1.3 Fee. The fees are the same as provided in part 111.

605.1.4 Duration. As provided in RCW 60.13.060(1), the processor lien shall terminate twelve months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment of the lien or filing of the statement, unless a suit to foreclose the lien has been filed before that time as provided in RCW 60.13.070. Thus, a filed statement evidencing a processor lien or a preparer lien is not effective for five years although the filing will remain in the UCC Information Management System for a period of six years. These liens should not be continued as provided in part 309.

605.2 Mechanics of search. All liens and financing statements are revealed in a search as provided in section five.

606 Notice of lien in favor of a private individual or entity: Not applicable in Washington State.